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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MOLLY J. MULLIGAN; and
JOHN P. MULLIGAN,

Plaintiffs

v.

ALUM ROCK RIVERSIDE, LLC, a California
limited liability company; Brett H. Del Valle and
Traci M. Del Valle as Co-Trustees of the Del Valle
Family Trust dated October 30, 2002

Defendants.

**NOTICE OF FILING
OF AND INTENT TO RELY UPON
CERTIFIED COPY OF ORDER AND
PRELIMINARY INJUNCTION
ENTERED BY STATE COURT ON
MARCH 20, 2025**

Case No. 1:25-cv-00008-DA
Assigned Judge: Dale A. Kimball

This above-captioned case was originally filed in the Second Judicial District Court,
Ogden District, Weber County, State of Utah, as Case No. 240908957 (the “**State Court**”). On
January 14, 2025, an evidentiary hearing was held in the State Court (the “**Hearing**”) on a
motion of the above-named Plaintiffs (who also were Plaintiffs in the State Court) Molly J.

Mulligan and John P. Mulligan (collectively “**Mulligans**”) seeking a preliminary injunction to prevent a foreclosure of Mulligans’ real property by the above-named Defendant (who also was a Defendant in the State Court) Alum Rock Riverside, LLC (“**Alum Rock**”). After that Hearing, at which a ruling was issued orally from the bench by and in the State Court, but before that oral ruling could be reduced to writing, Alum Rock filed in this above-named federal court its *Notice of Removal* on January 23, 2025 (Docket No. 2 herein, the “**Alum Rock Removal**”).

After the Alum Rock Removal, on March 20, 2025, the State Court entered its written *Order and Preliminary Injunction* reducing to writing the oral ruling that it made from the bench at and during the Hearing. *E.g., Pebble Creek Homes, LLC v. Upstream Images, LLC*, 547 F. Supp. 2d 1214, 1218–19 (D. Utah 2007) (confirming state court’s signing and entry of written order after notice of removal had been filed, memorializing prior oral ruling from the bench made before notice of removal was filed, was a “ministerial” act that was valid notwithstanding the intervening notice of removal).

Because that State Court *Order and Preliminary Injunction* was not yet on file in the State Court at the time of the Alum Rock Removal, it was not included with the State Court materials filed by Alum Rock in this above-named federal court.

The undersigned counsel for Mulligans has now received from the State Court a certified copy of its above-referenced written *Order and Preliminary Injunction* entered on March 20, 2025, which certified copy Mulligans hereby provide and file herewith, as “**Exhibit 1**” hereto. Mulligans also hereby provide notice of their intent to use and rely upon that State Court *Order and Preliminary Injunction* entered on March 20, 2025 (Exhibit 1 hereto) in this above-captioned case. *See e.g.*, 28 U.S.C. §§ 1446, 1447(b) (calling for filing with the federal district court clerk

“copies of all record and proceedings” of the state court case which was removed to federal court); *id.* § 1449 (noting “party is entitled to copies of the records and proceedings in any suit or prosecution in State court [which is removed to federal court], to be used in any district court of the United States” and stating federal court “proceedings, trial, and judgment may be had in such [United States] district court, and all such process awarded, as if certified copies had been filed in the [United States] district court”); DUCivR 81-2; F.R.Civ.P. 65; Utah R. Civ. P. 65A.

DATED March 25, 2025

FREEMAN LOVELL, PLLC

/s/ Bradley L. Tilt
Bradley L. Tilt
Attorneys for Mulligans

CERTIFICATE OF SERVICE

I certify that on March 25, 2025 I caused true and correct copies of the foregoing **NOTICE OF FILING OF AND INTENT TO RELY UPON CERTIFIED COPY OF ORDER AND PRELIMINARY INJUNCTION ENTERED BY STATE COURT ON MARCH 20, 2025** to be served in the manner indicated below to the following-listed parties at their respective addresses listed below:

Benjamin D. Johnson KC Hooker BENNETT TUELLER JOHNSON & DEERE 3165 East Millrock Drive, Suite 500 Salt Lake City, UT 84121 ben.johnson@btjd.com kchooker@btjd.com <i>Attorneys for Defendant Alum Rock Riverside, LLC</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> First Class, United States Mail, <input type="checkbox"/> Postage Prepaid <input type="checkbox"/> E-filing via GreenFiling <input checked="" type="checkbox"/> E-filing via CM/ECF <input type="checkbox"/> Email <input type="checkbox"/> Other: _____
Felicia B. Canfield CANFIELD LAW LLC 2413 Newton Avenue Cody, WY 82414 canfieldlawllc@gmail.com <i>Attorneys for Plaintiffs</i>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> First Class, United States Mail, <input type="checkbox"/> Postage Prepaid <input type="checkbox"/> E-filing via GreenFiling <input checked="" type="checkbox"/> E-filing via CM/ECF <input type="checkbox"/> Email <input type="checkbox"/> Other: _____

/s/ Bradley L. Tilt